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and Xiaoming Zhang

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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BANK OF COMMUNICATIONS, 07 civ. 4628 (TPG)  
NEW YORK BRANCH,  
Plaintiffs,

-against-

OCEAN DEVELOPMENT AMERICA, INC.,  
HONGMING LI a/k/a MICHAEL LI and  
XIAOMING ZHANG,

Defendants  
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**DECLARATION OF BING LI IN SUPPORT OF INDIVIDUAL  
DEFENDANTS' MOTION FOR RELIEF FROM JUDGMENT AND  
IN SUPPORT OF APPLICATION ON NOTICE  
FOR A TEMPORARY STAY ORDER**

BING LI, declares under penalty of perjury as follows:

1. I am a member of the Law Offices of Bing Li, LLC, attorneys for defendants Hongming Li and Xiaoming Zhang (hereinafter the "Moving Defendants")
2. I am personally familiar with the facts and circumstances set forth herein.

3. I respectfully submit this Declaration in support of the Moving Defendants' motion pursuant to Rule 55(c) and Rule 60(b) of the Federal Rules of Civil Procedure for relief from the judgment entered on default in this action on March 10, 2008 (the "judgment") and for such other relief as the Court may deem just and proper.

4. A true copy of the Civil Docket Sheet for this action, printed as of June 17, 2008, is annexed hereto as Exhibit A.

5. A true copy of the judgment dated March 10, 2008 is annexed hereto as Exhibit B.

6. A true copy of plaintiff's complaint dated May 21, 2007 is annexed hereto as Exhibit C.

7. A true copy of Docket Entry # 3, filed on July 13, 2007, "Certificate of Service," is annexed hereto as Exhibit D.

8. A true copy of Docket Entry # 5, filed on October 15, 2007, "Motion for Default Judgment," is annexed hereto as Exhibit E.

9. A true copy of Docket Entry # 6, filed on October 15, 2007, "Affidavit of Service of Notice of Default Judgment and exhibits," is annexed hereto as Exhibit F.

10. A true copy of Docket Entry # 7, filed on January 8, 2008 "Request to Enter Default ... Letter to Judge Griesa," is annexed hereto as Exhibit G.

11. A true copy Docket Entry # 8, filed on January 29, 2008, "Request to Enter Default ... Letter to Judge Griesa," is annexed hereto as Exhibit H.

12. A true copy of Docket Entry # 9, filed on January 29, 2008, "Request to Enter Default ... Letter to Judge and Resubmitted Default Judgment," is annexed hereto as Exhibit I.

13. True copies of printouts from the official website of Shantou State-Owned Assets Online (<http://gzw.shantou.gov.cn/ssmd.asp>) (last visited 7/7/2008), listing Shantou Ocean Enterprises (Group) Company as one of the state-owned enterprises, are annexed hereto as Exhibit J.


14. True copies of printouts from the website of Bank of Communications headquarters ([http://www.bankcomm.com/BankCommSite/en/invest\\_relation/more.jsp?type=companyintro&categoryPath=ROOT%3E%D3%A2%CE%C4%CD%F8%D5%BE%3EInvestor+Relations%3EProfile](http://www.bankcomm.com/BankCommSite/en/invest_relation/more.jsp?type=companyintro&categoryPath=ROOT%3E%D3%A2%CE%C4%CD%F8%D5%BE%3EInvestor+Relations%3EProfile)) (last visited 7/8/2008), are annexed hereto as Exhibit K, together with a printout from the website of Bank of Communications, New York Branch (<http://www.bocomny.com/eng/fund.htm>) (last visited 7/8/2008).

15. I further certify that on July 16, 2008, at about 10:35 a.m., I called Allen Wu, Esq. of Wu & Kao, plaintiff's counsel of record, Wu and Kao, regarding the moving defendants' application for an interim stay of enforcement proceedings of the judgment. I was informed that Anne Seelig, Esq. of Wu & Kao was assigned to this matter and subsequently left a message with Attorney Seelig. At about 11:17 p.m., I sent Attorney Wu and Attorney Seelig a letter requesting that they consent to the temporary stay. A true copy of the letter is annexed hereto as Exhibit L.

16. At about 4:00 p.m. on July 16, 2008, Nancy of Wu & Kao called my office and informed us that Attorney Wu declined to consent to the interim stay. At that time, I requested Nancy to inform Attorney Wu that we would present our motion and application for a temporary stay on Thursday, July 17, 2008, at 3:00 p.m. A true copy of the confirming letter is annexed hereto as Exhibit M.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on July 16<sup>th</sup>, 2008  
New York, New York

  
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Bing Li (BL 5550)